

PROPOSED AMENDMENTS TO SENATE AND HOUSE RULES 347

SECTION 1. AMENDMENT. Senate Rule 347 is amended as follows:

347. MOTION FOR RECONSIDERATION.

1. Any member may move for reconsideration of a question if any of the following apply:
 - a. The member voted on the prevailing side of the question ("prevailing side of the question" is the side that voted "aye" on a question that passed, and "nay" on a question that failed);
 - b. The member did not vote on the question; or
 - c. The member voted on the question and the ayes and nays were not recorded.
2. A motion to reconsider must be decided by a majority vote of the members-elect, except that a motion to reconsider adoption of an amendment must be decided by a majority vote of the members present.
3. In the case of a bill, resolution, or amendment ~~to the Constitution~~, the motion to reconsider, if made after the end of the next legislative day following the action on the measure or amendment, requires a two-thirds vote of the members-elect.
4. The vote by which any measure passed or failed to pass or any amendment was adopted or rejected may not be reconsidered more than once in any natural day. For purposes of this subsection, a clincher motion that fails is not a motion to reconsider.
5. No motion to reconsider may be made unless the matter is in possession of the Senate.
6. Determination of any vote required under this rule must be by a verification vote.

SECTION 2. AMENDMENT. House Rule 347 is amended as follows:

347. MOTION FOR RECONSIDERATION.

1. Any member may move for reconsideration of a question if any of the following apply:

- a. The member voted on the prevailing side of the question ("prevailing side of a the question" is the side that voted "aye" on a question that passed, and "nay" on a question that failed);
 - b. The member did not vote on the question; or
 - c. The member voted on the question and the ayes and nays were not recorded.
2. A motion to reconsider must be decided by a majority vote of the members-elect, except that a motion to reconsider adoption of an amendment must be decided by a majority vote of the members present.
 3. In the case of a bill, resolution, or amendment ~~to the Constitution~~, the motion to reconsider, if made after the end of the next legislative day following the action on the measure or amendment, requires a two-thirds vote of the members-elect.
 4. The vote by which any measure passed or failed to pass or any amendment was adopted or rejected may not be reconsidered more than once in any natural day. For purposes of this subsection, a clincher motion that fails is not a motion to reconsider.
 5. No motion to reconsider may be made unless the matter is in possession of the House.
 6. Determination of any vote required under this rule must be by a verification vote.

NOTE: This proposed rules amendment is in response to a question concerning the vote required to reconsider adoption of an amendment. Because of the specific reference to adoption of an amendment in subsection 2, and the lack of a specific reference to adoption of an amendment in subsection 3, the vote for reconsideration of adoption of an amendment is not covered by subsection 3. Arguably, regardless of when the motion to reconsider adoption of an amendment is made, the vote would be a majority of the members present under Senate and House Rules 318(1)(j) rather than two-thirds of the members-elect under subsection 3.

This proposed amendment does not require a corresponding change to Senate and House Rules 318(4)(g). Consideration may need to be given as to the effect of the proposed amendment on floor amendments that would undo amendments previously adopted or adopt amendments previously rejected. Under Section 398 of Mason's, when a proposed amendment has been rejected, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost.